

# The Nation.

NEW YORK, THURSDAY, JULY 29, 1875.

## The Week.

THE rise in breadstuffs culminated during the week, but not until it had contributed to the decline in the price of gold to 111½. Speculators were responsible for enough of the rise to alarm prudent people, and altogether the reaction is regarded as salutary. To suppose, however, that the entire movement was speculative, and the work of Chicago speculators, is to admit that Chicago controls not only the foreign markets, but also is able to control the elements—to say when it shall rain, and how much. Even should one-half the recent advance in breadstuffs be lost, the country will be richer by many millions than it would have been. At one time, so heavy were the exports of grain, and such was the abundance of bills of exchange resulting therefrom, that it looked as if enough exchange would be made to supply the demand until cotton bills appeared, and that it would be necessary to ship no more gold coin. On this supposition the gold premium melted away each day, until on Friday the price was 111½. What also contributed to this decline was the fact that the Syndicate were offerers and sellers of sterling exchange, they having been able to sell new fives in Europe more rapidly than they could buy the called five-twenty six per cents to pay into the Treasury for the new fives. As a result, they transferred to the Treasury the proceeds held in Europe of the sales of new fives. The bad feature of this business is that, when the five-twenty six per cents which are called come from Europe—as they must later in the season—they will have to be paid for in whatever we can export most cheaply—it may be grain, cotton, securities, or gold. Later in the week, the weather reports from Europe were more favorable, and breadstuffs declined in the English markets enough to check exports from here, and the price of gold here recovered about two “points,” on the possible necessity of more gold shipments from New York.

At this point came the unexpected announcement that the domestic and foreign banking-house of Duncan, Sherman & Co. had suspended. Their doors were closed at 11.30 o'clock Tuesday, and gold advanced immediately to 116½, falling back to 113½. Those entitled to speak for the house say that their liabilities amount to between \$5,000,000 and \$6,000,000, and that their assets will fall far short of the smaller of these sums. The house has been in existence since 1850, and was well grounded and successfully managed until of late years, when it became more closely identified than was for its good with such railroad enterprises as the Atlantic and Great Western, the Erie, and kindred roads. It was also supposed to have locked up its means to an imprudent extent in Southern securities, and to have engaged in cotton operations beyond the strict limit which prudent banking establishes. However this may be, Mr. William Butler Duncan, the head of the house, and with a character beyond reproach, recently, so his friends say, caused a close examination of the assets of his firm, and found that they in no way corresponded with its liabilities. He then made an effort to procure new capital sufficient to give him a dollar in hand for every dollar which could be demanded of him, having determined to carry on the business only on this condition, and not to resort to the method, so common with houses in such circumstances, of straining his credit by “kiting.” Having failed to get this new capital, he ordered the suspension.

Tammany Hall has decided to reorganize three of its districts, the third, the eleventh, and the fifteenth, the leaders in which are “Jimmy” Hayes, John Morrissey, and ex-Judge Ledwith. The charges against these gentlemen are that they have been stirring up

disaffection among the workingmen, getting up a bogus workingman's meeting, and in general not merely failing to promote harmony in the camp, but sowing the seeds of disloyalty. John Morrissey, it seems, contributed fifty dollars to the workingman's meeting in a clandestine way, sending it by a third person, who represented the benefactor of the movement to be “a lady on the Eastern Boulevard.” Morrissey, however, and his associates in disgrace have assumed a defiant attitude, and the former has telegraphed to some of the newspapers from Saratoga that he challenges the Honorable John Kelly to meet him in the Tammany arena, and prove which is the better man—morally and politically, that is, and not, as the *Herald* maliciously suggests, physically and pugilistically. The councils of Tammany are so secret, and its movements are so mysterious, that it is difficult to know whether the discipline now administered is the result of a determination on the part of the “Swallow-Tails” to get rid of the “Short-Hairs”—in which case, as it would be war to the knife, Morrissey and his friends must perforce hire a hall and organize a new party—or whether it is one of those feuds which can be made up without any permanent loss of good feeling. It looks more like the former, though Tammany has not by any means deserted the workingman, and is not supporting General Porter in his reduction of wages.

The Legislative enquiry into the conduct of the Emigration Commission, like nearly all the other enquiries instituted of late, has come on something in the nature of corruption. There is a tax called “head-money” levied on the steamship companies, which was, we believe, \$2 50, and is now \$1 50 for each passenger landing in the country, and is devoted to the supply of very useful protection and assistance to the newly arrived emigrants. In 1871, the steamship companies, as well as the Commissioners of Emigration, came to the conclusion that the tax had better be reduced, and it was, of course, for the pecuniary advantage of the companies that it should be reduced. The first thing that happened after this decision had been reached was the appearance of one Nolan at the steamship offices with a numerously signed petition in favor of the reduction, and offering his services as an able and influential agent to “put the thing through” at Albany. The combined companies accordingly employed him, and agreed with a certain appropriateness to pay him by “head-money”—that is, he was to receive a quarter of a dollar for each emigrant who should arrive by the steamships during the six months next ensuing, and he did actually pocket about \$30,000. Now, it so happens that Nolan is a partner of General Patrick H. Jones, and it so happens that General Jones was the Postmaster who had to be made United States Marshal when General Sharpe, the then Marshal, had to be made Surveyor, when the civil-service “rules” had to be suspended at the New York Custom-House on that celebrated occasion in 1873 when Mr. Curtis resigned. It appears also that several thousand dollars were paid in 1874-5 to Mr. Abram Wakeman, another old postmaster, we believe General Jones's predecessor, who used it to prevent a legislative increase of “head-money.” Indeed, whatever was done to “head-money,” whether it was raised or lowered, some fine old politicians gained by the process. It is now said that this money was paid uselessly; that the lobbyists did not earn it, and did not influence the required legislation; but this is always said when money is traced to their pockets, and certainly it is almost impossible to disprove it. But then, what persons who seek legislation almost invariably find is this, that though paying money out to lobbyists may not get them what they seek, refusal to pay it is almost invariably found to be followed by failure to get what they seek. Now, the refusal and failure may not, humanly speaking, have any connection except a chronological one, but the average American citizen is apt to believe

that they stand to each other in the relation of cause and effect, and therefore pays his money. The "licentious and unbridled press" are, we need hardly say, now dragging the private affairs of Nolan, Jones, and Wakeman before the public for the satisfaction of a morbid curiosity, raising once more the question, how can we expect eminent citizens to go into public life when their characters are assailed in this ruthless way?

The bankers, following the example of most other trades and professions, have been holding a convention at Saratoga, and we suppose some good has resulted from it, though what good does not clearly appear from the report of the proceedings. They resolved that "every good citizen ought to hasten the day" when the Government will redeem its promises in coin; that the taxes on national banks ought to be reduced; that stamps ought not to be required on checks; and that anybody who wants to exchange coupon for registered bonds ought to be allowed to do so. It cannot be said that these resolutions have the weight which might fairly be looked for in the suggestions of a body of this character. The best-known bankers in the country do not appear to have taken part in the proceedings, though there were rumors that the wealth of the profession was largely represented in it. It is a pity, on the whole, that the prevalent love of conventions cannot be turned to better account. Every summer sees a greater number of them; but one reads the reports of their debates with, to say the least, an unsatisfied feeling, and wonders whether the time and money of so many busy men could not have been turned to better account. Members of such bodies ought to bear in mind that it is their duty, above all things, to avoid bringing the ancient and honored custom of public deliberation into contempt or disrepute. Nothing has done more to found and foster the great American institution of "rings" who breed the troublesome race of "managers" than the unwieldiness, and incapacity, and gullibility of conventions, caucuses, and other large assemblies. Anybody who goes into one ought, therefore, to be fully satisfied in his own mind that there is something he greatly desires to say, and somebody he greatly desires to hear, and that he is not likely to furnish an audience to busybodies and bores.

Since the act of June 20, 1874, which made arrangements to take \$55,000,000 of currency from the Eastern banks and distribute it among those of the West, and thus not only promote justice but raise the West out of the slough of despond, sixty-three new banks have been organized, and have drawn out the sum of \$2,061,250 in notes, and banks already in existence have drawn out \$5,724,275, making in all \$7,785,525. Altogether, fresh notes to the amount of \$11,601,892 have been issued within this period named, and \$9,627,066 have been surrendered and destroyed, so that the actual addition to the circulation of national-bank notes under the act of January 14, 1875, which was intended to increase the supply of them *ad libitum*, is \$1,974,826. It thus appears that the crippled manufacturer, and the languishing farmer, and the idle laborer won't take the medicine prepared for them by Congress. They actually refuse to draw their money and be prosperous. The secret of this lamentable failure lies, we imagine, in the fact that none of the acts providing for an increase of the currency have made proper arrangements for its distribution among the sufferers. As matters stand, if anybody wants his share of the currency, he has to give security at the bank for its repayment; if the bank wants the currency, it has to buy Government bonds and deposit them with the Treasury. Now, in this lies the cause of the failure of the present legislation. The remedy is plain, and there is only one remedy: the Treasury ought to be directed to give currency to all persons applying for it. If this were done, a very large amount of currency would be drawn out at once, certainly not less than \$1,000,000,000, the whole country would be speedily full of money, and either the "wheels of industry" or some other wheels would receive a prodigious impetus. Is it not singular that such acute thinkers as Messrs. Morton and Logan should not have perceived this difficulty?

The inflationists have been reinforced during the past week by Mr. Peter Cooper, who has published an amazing pamphlet, showing that both Daniel Webster and Calhoun were believers in paper issues. The *Tribune*, however, has proved very conclusively that Mr. Cooper has been misled into publishing audaciously garbled extracts from their speeches. Even were the extracts genuine, and it could be proved that both Webster and Calhoun were supporters of *assignat* schemes, it would prove to any one familiar with the subject merely that they were on this point deluded and ignorant men. The economic laws of currency are simple deductions from first principles, which have been verified in several centuries of experience, and will remain true to the end of time, no matter what either Webster or Calhoun thought of them. Of course, the weight of such authority with the mass of men, who have no time to look into such questions for themselves, would be very great; but how any one who writes on the subject for the instruction of the public can bring himself to believe that such questions are to be decided by counting the number of deceased politicians on one side and the other, we cannot understand. The number of eminent statesmen deceased, from Moses' time down, who have believed that the sun went round the earth, is far greater than the number of those who have believed the contrary; but what should we think of any one who asked us on that account to believe that they were right?

Judging from the circumstances attending the loss of the *Atlantic* and the *Schiller*, the problem of steam navigation is no longer the provision of staunch and well-formed ships, but of captains who are willing to take even the commonest precautions. The *Atlantic*, it was shown in the investigation, ran nearly eight days in a dense fog, and the captain, although he knew at the end of that time that he must be somewhere near the coast, steadfastly refrained from throwing the lead, and went plump on shore on a calm night, and lost nearly the whole of his passengers. The chief officer, we believe it was, being asked why they did not sound, said "they thought it would be of no use," which has the ring of a ghastly joke, because one of the uses of the chart is to give the depth of water and the nature of the bottom at various points off the coast. One would have supposed that a catastrophe so horrible would have inspired caution among commanders of steamers, but it does not seem to have done so. The *Atlantic* was lost in 1873; just two years later the captain of the *Schiller* did exactly what the captain of the *Atlantic* did—ran for some days in thick weather, or in a fog, by dead-reckoning, and, knowing he was close on a dangerous coast, refrained from sounding, and went on the rocks in the usual manner, and lost nearly all his passengers, and was lost himself. The commissioners appointed by the English Board of Trade to enquire into the circumstances attending the wreck, found that the dead-reckoning was incorrect, that the ship had greatly overrun the calculated distance, and that, "had a east of the lead been taken an hour or half an hour before the vessel struck, it would have shown them their proximity to the danger and the error in their reckoning, and would probably have averted this sad disaster." They find, however, that the captain had totally neglected both the Admiralty directions for approaching the English Channel, which "include a careful use of the lead," and the instructions of the Company, which enjoin on commanders a strict attention to "the usual precautions when making the land." This almost raises the question, comic as it may sound, whether a certain number of male passengers ought not to be legally authorized to require the captain to sound in thick weather and in fog. But the matter is being brought home to owners in a very unpleasant manner in the English courts, the widow and children of a passenger named Kruger, lost in the *Atlantic*, having sued the Company, in the Queen's Bench, for damages incurred by the negligence of its servants in the navigation of the ship. The Company did not attempt to deny the negligence, and the jury assessed the damages at £5,000, or about \$25,000 in currency. We trust the effect of this will be salutary. Companies must find some means of making their captains obey instructions.



The plan proposed by Mr. Gladstone, in his recent article in the *Contemporary Review*, for the prevention of the disruption in the Church of England which is foreshadowed by our London correspondent in his letter this week, is but an enlargement of the old receipt for the production of ecclesiastical harmony—"In essentials unity, in non-essentials liberty, and in all things charity"—that is, his remedy is admirable until one comes to apply it, by deciding what are the "essentials" and what the "non-essentials." He urges that the Church of England is worth preserving; that it cannot be preserved without self-restraint and forbearance on the part of the contending factions in it; that the Ritualists and Anti-Ritualists must agree not to attach "doctrinal significance" as now to certain forms and ceremonies. For instance, he demands that when a priest is reading the consecration prayer in the communion service, his facing eastward shall not be held to mean that he believes in the Real Presence. He desires to have rites and ceremonies and dress and posture treated as the mere "clothing" of the Gospel, of small account as long as "the integrity of the Christian dogma is upheld," "its working is traced," and "its adaptation to human thoughts and human welfare exhibited in all the varying experience of the ages." If the Anti-Ritualists agree to take this view of the matter, and to rely for the reform of abuses in the Church "on moral forces, and not on penal proceedings," he thinks all will be well. But then, as our correspondent has pointed out, a worshipper in the remote country districts cannot wait for the working of "moral forces." If his parson takes to ritualizing he cannot get rid of him until he dies, and "the moral forces" may not begin to produce an effect in the diocese until his successor is appointed, and in the meantime the disgusted worshipper has no other church to go to; therefore he longs to call in the police and put an end to what he considers obnoxious innovation at once. It has to be remembered, too, that the only condition on which the Anti-Ritualist can agree not to attach doctrinal significance to forms, is the promise of the Ritualist to do the same thing. He may say to him, "I will agree not to attach doctrinal significance to your position at the communion service if you do not yourself." But if the Ritualist replies that he does not attach doctrinal significance to it, the Anti-Ritualist naturally asks why he takes a position which means nothing and yet annoys the congregation? The fact is, we believe, that the Ritualists do attach much significance to their ceremonial, and that Mr. Gladstone's compromise is therefore not possible.

The extraordinary scene reported by the Cable as having occurred in the House of Commons when Mr. Plimsoll heard the announcement that the Government were going to abandon the bill for the complete carrying out of his reform, can hardly be considered symptomatic of any change in the manners and morals of the House. Mr. Plimsoll is an excitable gentleman who has taken up a piece of reform in which he can get but little support from the persons he is trying to benefit—the sailors, while he has arrayed against him a very powerful and influential class, the ship-owners, whom he has greatly exasperated. This alone would have been sufficient to make him nervous, even if he were not so constitutionally. He has, too, fallen into the besetting sin and misfortune of all persons in his position, by making, in his speeches and pamphlets, a good many exaggerated charges, and has had to sustain several suits for libel. So that, since he began his agitation, everything in his surroundings has helped to weaken his self-control and prepare for his late outburst of passion in the House. But that he has not labored in vain is proved by the Board of Trade returns of the results of the exercise of the power bestowed on them by an act which he got passed in 1873, which show that out of 479 vessels charged with "unseaworthiness," they found the charge proved in the case of 464, while the Board has detained 48 for "overloading," and declares that no charge under either head has ever been made to them without some foundation. The public meantime have so unmistakably taken sides with Mr. Plimsoll on the main question—between himself and the Government, and not between himself and

the House—that the Government has given way, and brought in a measure extending the powers of the Board of Trade.

The Irish Team have again won the Elcho Shield at Wimbledon by four points over the Englishmen, and three over the Scotchmen, and the conclusion is not unnaturally drawn that as the Americans have beaten the Irish, they would *a fortiori* have won it had they competed. The excitement appears to have been very great during the contest, and to promise a period of international rifle-shooting which will be very full of "events." Colonel Gildersleeve proposed on the ground a match at Philadelphia in 1876, and Lord Wharncliffe hoped that the three British Teams would be represented, and they doubtless will be. All this promises an immense rise in the position of skirmishers, deerstalkers, and other marksmen, and a great stimulus to the manufacture of arms of precision. There are in England, too, signs of a revival of popular interest in cock-fighting, which has become very common in the North, and which one old British sportsman, Admiral Roas, has written to the *Times* to defend as an amusement of a remarkably elevating character, and to draw attention to some signs of decline in British morals as a consequence of its abandonment. In fact, nearly all branches of sport, except pugilism, seem to be "looking up." Rowing, walking, running, swimming, cricket, baseball, sight-shooting, horse-racing, and pigeon-shooting are increasingly popular, and now cause an enormous amount of money to "change hands" every year.

Only two things seriously occupy the attention of the political world in France—the inundations at the South, and the dissolution of the Assembly. The dissolution is strenuously urged by the Left, who called for an adjournment in August, and then one more meeting in October for the election of the seventy-five senators, but no other business. The Government has made a semi-official announcement that it does not interfere, and does not mean to interfere, in the matter, which lies entirely in the hands of the Assembly. The Committee recommended an adjournment from August 4 to November 6, but the Assembly voted by a heavy majority on Thursday last to adjourn to November 16. The news from the inundated districts presents no new features, though the loss of life is probably greater than was at first supposed. Subscriptions for the relief of the sufferers are coming in from all parts of Europe. M. Rouher has, in a recent debate over a report made by the Prefect of Police on the machinations of the Bonapartists, avowed that while the party he represented would remain faithful to the Republican constitution until it was revised, they, like the Legitimists, confidently expected to see it revised, and considered it only a temporary arrangement. This theory will probably be pushed hard by the two monarchical parties until the new constitution has actually been set to work, and an Assembly and Senate elected under it.

The part played by the French press during these momentous discussions has been at once droll and melancholy. In fact, the journalists are mainly occupied in the composition of "Terrific Suras," which appear to have much the same source as those of Mahomet. M. Granier de Cassagnac, the father of the redoubtable Paul of the *Pays*, twenty years a Deputy, a commander of the Legion of Honor, and sixty-eight years old, challenges M. Gambetta for language used towards him in the *République Française*, which Gambetta is supposed to control. The *République* replies that Gambetta is too useful to his country and his paper to fight. Whereupon, M. Granier de Cassagnac replies that he well knows where to find Gambetta when he wants to kick him. At the same time, M. Clemenceau hints in the *République* that he would like to have a set-to with Paul. Then M. Rosati, of the *Presse*, has fought a duel with M. Perivier of the *Figaro*, who was slightly wounded, as attested by the seconds in a solemn "procès-verbal." And M. Debrousse, the editor-in-chief of the *Presse*, offers to fight M. Villemessant. The *Gaulois* announces that five press duels were pending in the second week of this month between distinguished Parisian journalists.

## THE DEMOCRATIC INFLATIONISTS.

THE canvass now pending in Ohio is perhaps the most interesting one which has occurred since the war, not only because the currency and the public debt form the main issues in it, but because the position of the Democrats has been taken up after the currency question has been very fully discussed, and after the absurdity of the inflationist theory of our financial troubles has been demonstrated by actual experience. We now *know*, as most of us did not know before 1873, that abundance of money and low rates of interest are not all that is needed to revive trade and industry. While the Western and Southern philosophers were clamoring, two years ago, for a redistribution of the national-bank circulation, on the ground that it was monopolized by the East, and that their region did not receive its full share of it, it was easy enough for those who knew anything about the laws of currency to tell them that it did not make any difference how Congress distributed the currency, that it would only stay where it was needed—that is, where there was most buying and selling to be done. But they would not believe it any more than a Sioux would believe an astronomer if he told him he could measure the distance to the moon. They have now had actual proof of it in the fact that the West and South have not applied for their share of the currency, having in fact no use for it. If a Western banker were supplied with ever so much currency to-day, he would carry it to New York to lend, and in New York he can get so little interest for it as not to make lending worth the trouble. And yet, in the face of all this experience, the Western Democrats continue their clamor for plenty of irredeemable paper-money, and Messrs. Allen and Pendleton go about in Ohio making speeches in favor of it which, to many people at the East, sound like the ravings of drunkenness.

Now, why is it that the experience and discussion of the last three years have not produced enough effect to prevent such an agitation as we see going on in Ohio? How is it that the Democrats, after having been originally "hard-money men," have now so great a fondness for irredeemable paper-money, and do not pay the least attention to your citations either of American or foreign experience of paper-money? Why is there no use in arguing with either of these gentlemen? Why does any attempt to argue with them end in simply bandying contradictions? The fact is that the Democratic party, though it has the reputation of having been a "hard-money" party, was always almost as much in favor of Government money as of "hard-money." It disliked paper-money in the earlier years of its existence rather because the banks issued it than because it was paper. Jefferson thundered against the "scrip" of the United States Bank, but he was not opposed to the issue of Government scrip. In fact, the present system of Government issues may be found set out with the utmost distinctness in his correspondence, particularly in the year 1813. Nearly all his denunciations of the banks and their "rag-money" are interspersed with suggestions for an issue of Government paper, "based on" a "specific tax." He proposed the payment of the expenses of the war with England by such an issue, or, in other words, proposed the very scheme which Mr. Chase produced forty-seven years later—barring the legal-tender clause—for paying the expenses of putting down the rebellion. Writing to Mr. Eppes, June 4, 1813, Jefferson shows how the thing is to be done. "Every one knows," he says, "that although not literally, it is nearly true, that every paper dollar emitted banishes a silver one from circulation. A nation, therefore, making its purchases and payments with bills fitted for circulation thrusts an equal amount of coin out of circulation. This is equivalent to borrowing that sum, and yet the lender, receiving payment in a medium as effectual as coin for his purchases and payments, has no claim to interest. And so the nation may continue to issue its bills as far as its wants require and the limits of the circulation will admit. Those limits are understood to extend with us at present to \$200,000,000—a greater sum than would be necessary for any war." One has only to put this idea into the hands of "the debtor class," headed by demagogues like Morton and Logan and Allen and Pendleton, to have the Ohio system of finance very

speedily evolved from it. Nor did Jefferson's plan die out of the memory of his disciples. In 1837, in the very midst of the distress arising out of the bursting of the bank bubble, and when all true Democrats were clamorous for "hard-money" and against "rag-money," Mr. Silas Wright, the leading party chief, who hated and denounced bank-paper as much as Jackson himself, introduced in the Senate, and carried against the opposition of the Whigs, who advocated a plain, honest loan, the issue of \$10,000,000 of Treasury notes, as a medium in which Government dues could be paid, in the absence of redeemable bank-notes, and he did this under the recommendation of the President, Mr. Van Buren, in his message. It was perhaps the best thing to be done in the peculiar circumstances of the case, but it showed that Democratic hostility to paper-money was by no means absolute; that it could be easily reconciled to paper issued from the right quarter—in short, to "the people's paper," as distinguished from the paper of "monopolists" and "speculators."

The idea which is at the bottom of the whole agitation in favor of unlimited issues of greenbacks is as old as the French Revolution, and has come steadily down, in one shape or another, along with the "principle of equality" and the "rights of men." It is now embodied in the political gospel of the Continental Socialists, under the name of "gratuity of credit." The Continental Socialists have, however, pushed the doctrine further than their American imitators, and made it more efficient, because they have not only provided for the issue of irredeemable paper by the Government, but provide the means by which the "poor man" can get hold of it. Anybody who reads the speeches of Allen or Pendleton or Kelley on the wonderful effects of plenty of paper-money in "quickenning the wheels of industry," will observe that they never describe the mode in which the paper is to reach the wheels. They tell you of the blessing it would prove to the farmer and mechanic, but they refrain from mentioning how the farmer or mechanic is to get it into his possession. They do not propose that the Government should give it away. Even the illustrious Kelley denies his benignant currency to all who cannot provide themselves with 3.65 bonds. But how is the hardy farmer or the industrious mechanic, who is short of money, to procure bonds, in order to exchange them for currency when business is active, and draw them out again when business is dull, etc., etc.? This lamentable gap in the system the French and Germans have filled up by declaring that when the Government makes its issues of paper, it shall lend them to all well-behaved citizens, through banks established for the purpose all over the country; and not on security either—for the present bankers lend on security, and what is lending on security but monopoly? The object of Government issues is, and clearly ought to be, the supply of money to persons who have no security to offer—or, in other words, to the class which needs money most—and this the European plan attains. Some such idea, though in a very vague shape, undoubtedly lies at the bottom of the Kelley and Allen discourses. The training they have unconsciously received in an acute business community doubtless prevents them from proposing openly that "the people's money" should be lent gratis to all comers, because this would make Americans laugh; but the notion that the Government ought in some manner to see that everybody has as much money as he needs in his business is, nevertheless, running through their minds, and furnishes, or would furnish, the premise the suppression of which makes much of their talk seem so irrational. Kelley has made a lame attempt to meet the difficulty with his 3.65 plan, and Wendell Phillips with his plan of lending on mortgage on real estate at four per cent., but neither of them makes any provision, as we have already remarked, for the poor fellows who have neither bonds nor real estate.

Another thing to be taken into account in trying to explain the steady growth of the inflationist element in the Democratic party is, that it has always been an *à priori* party: its doctrines have never, either in their conception or in their application, been influenced much by either home or foreign experience. That the inflationist element has been steadily gaining ground in its ranks



for some years, there is now no denying. It has been kept down on the Eastern seaboard by the predominance of the commercial interest; but in the West it comes nearer every month to taking entire possession of the party, and laughs at the way in which the Eastern organs fling financial history at its head. The way in which the *Cincinnati Times*, for instance, approaches the question, is far more orthodox than the way in which the *World* approaches it. The Western journalist does what the poets do, and what Democratic publicists have always done, in dealing with important political problems—"he looks into his own heart and writes"; while the *World* quotes the report of the Bullion Committee and the history of the French assignats and other musty records of past ages. In this way the Democrats changed the constitution of this and other States, by making all the officers directly responsible to the people, giving us the elective judges. There is nothing in the annals of the human race, or in any man's experience of human nature, to justify faith in such changes any more than to justify faith in irredeemable greenbacks; but then the Democratic politician did not care for annals, and the human nature he studied he learnt about through Jefferson from that profound observer, Jean Jacques Rousseau. It was Rousseau who first revealed to the world the extraordinary things man was capable of if released from the bonds of usage and tradition, and his pictures made an impression which may be found stamped deeply in the reports of many an American convention. The latest traces of them are undoubtedly to be seen in this Democratic clamor for paper-money. What Mr. Allen and his followers are telling us, or trying to tell us, is that we have been misled by oligarchical traditions into the belief that coin was the only good money, and that a community which had lost it ought to try to recover it; but that we deceive ourselves; that by deep thinking we should discover that paper-money was the true foundation of national happiness, just as Karl Marx would tell us that long familiarity with the practice of giving security for loans, and of paying them back at a fixed date, had blinded us to the national advantages of loans without security, not payable at any date; and that in this system of banking reflection would show a right-minded man that the world would find a key to the terrible problem of poverty. If you cite experience to these philosophers, they tell you that experience is of no value, because their system was not tried under the proper conditions. It has to be put into operation in a Democratic atmosphere and amid Democratic institutions, and then it will work. If it does not work, it is either because you do not go far enough, or because some malignant person behaves badly. Their paper would be good money if selfish men did not refuse it or undervalue it, just as their constitutions would be good constitutions if every man did his duty. You cannot corner them in discussion. No *a priori* politician or financier was ever cornered, because he always takes to himself wings, as people do in dreams, and perches on some distant and sunny height while you are preparing your cords to bind him.

#### THE DECISION IN TWEED'S CASE.

WHEN the decision in Tweed's case was first announced, it was received by the public generally, as we stated in these columns, with respect. An examination of the text of the decision, however, in the light of Mr. O'Connor's recent attack, renders some modification of this statement necessary. There are only two points in the case, both of which can be stated in a less technical manner than they were stated by the Court. The first of these is whether proceedings to upset Tweed's sentence could be taken by a writ of habeas corpus; the second, whether the Court of Oyer and Terminer which sentenced him had power to try an indictment embracing several distinct offences, and, in passing sentence, sentence the prisoner separately for each one. As a general thing, all indictments are made up of various counts, in which the same offence is restated in different ways to avoid any possible variance between the charge and the evidence; but in Tweed's case a number of indictments for separate offences had been united in one indictment, so that he was actually found guilty of fifty-five distinct offences. The charges were, neglect of a statutory duty in auditing bills. It is unnecessary

to recall all the circumstances, but it will be remembered that the statute under which Tweed was sentenced authorized the imposition of a fine of \$250 and imprisonment for one year. The Court below sentenced him separately on a number of counts, making his total term of imprisonment twelve years. The Court of Appeals has now decided that the sentence was wrong in going beyond one year, that the Court exceeded its jurisdiction in passing such a sentence, and that Tweed is entitled to release on habeas corpus. We do not propose to review either of these points—which are both technical, and must of course be settled in the long run by the courts—but merely to call attention to one or two features of the decision which render it interesting.

The assumption, let us say in the first place, made by some of those who have defended the decision, that the tribunal is too "august" to be criticised, is not only wrong but preposterous. It is very true that what the highest court in a State decides to be law is law, and must not be resisted, but obeyed; but no one who has looked into the volumes of the New York reports can be unaware that one of the characteristic features of the law as announced by the judges of this tribunal is that, in vulgar parlance, it is so often six of one and half-a-dozen of the other; unanimity being to all appearances the thing most dreaded by the Court, and a learned diversity of opinion that most desired. What the Court of Appeals announces to be the law is the law; but then the question is, What has the Court of Appeals announced? If we are really prevented from criticising its decisions, we are certainly poorly off. Of course the criticism ought to be carefully made; and we must think that Mr. O'Connor did his case an injury by his manner of putting it. But there is something positively grotesque in the notion that in these days and in this city we are not to criticise a judge. Three of them have been got rid of by means of the most open and unqualified attacks on the part of the press and the legal profession; and we hardly supposed that three years after the impeachment of Barnard we should hear that the "august" nature of a New York elective court placed its judgments beyond and above criticism. Judges who are elected may be re-elected, and how are we to tell whether to cast our vote for Judges Andrews and Folger at the next election, supposing them to be renominated, unless we know whether the decision in the Tweed case was right; and how can we find this out except by general discussion? The good layman cannot be expected, even by those who urge upon him the necessity of going to primaries, to spend his days and nights in a law library, hunting up the law of habeas corpus and cumulative sentences, so that he may know how to cast his ballot. The only way in which he can arrive at a decision is by getting the opinion of the profession on the merits of the jurists who are likely to be recommended to him. The notion that the judges cannot reply is an antiquated delusion. In the first place, their decisions ought to be the most effective reply possible; and in the second place, the Chief-Justice can perfectly well have a newspaper interview and explain his motives. This is what the present Chief-Justice of the Court does every few months, no doubt after consultation with his brethren.

There are two opinions in the case, one given by Judge Allen, and the other by Judge Rapallo. The former of these is long, professional, and adapted to the comprehension of lawyers; the latter is short, and seems to have been written partly for the judge's own satisfaction, and partly to bring the case within the grasp of the editorial mind. His opinion principally dwells upon the terrible consequences which would flow from permitting cumulative sentences. We have read his opinion with care, and endeavored to discover exactly what the "enormous injustice and oppression which might result from the adoption of the rule" are, but in vain. Most people who have merely glanced at the opinion probably suppose that the injustice and oppression consist in adding one sentence to another, and imagine that the Court holds the utmost extent of the punishment for wilful neglect to audit the county accounts to be imprisonment for one year and a fine of \$250. But the Court does nothing of the kind, but plainly intimates that if the indictments had been kept separate, Tweed might have been sentenced for twelve separate terms, each

beginning at the termination of the one immediately preceding. The Revised Statutes (2 R. S. 700, § 11) have expressly provided for this, as the Court points out. What, then, is the terrible wrong or injustice in uniting the offences in one indictment? As far as we can make out, it is that the law in this State allows a person indicted for misdemeanors five peremptory challenges, and Tweed was therefore entitled to as many of these challenges as there were offences charged, multiplied by five. The enormity of the oppression caused by the fact that Tweed did not enjoy the right to eleven hundred peremptory challenges (there were two hundred and twenty separate counts), may be inferred from the fact that the allowance itself is purely local and statutory. It does not exist in England at all, and we believe not in Massachusetts. Think, says Mr. Justice Rapallo, of a petty magistrate sentencing a prisoner to a term exceeding the limits of his life—as, for instance, for maltreating one hundred separate sheep! But we have the authority of the Court for saying that there would be no objection to this if the sentences were inflicted separately—a hint, by the way, which may prove of some value to Mr. Bergh. We are thus forced to conclude that the enormous injustice and oppression to which the opinion refers are already part of the law of the State, and that if Tweed had been sentenced on separate indictments he would still be languishing on Blackwell's Island. All lawyers are aware of the danger a court is in when it tries to declare the law from a consideration of the consequences, and not from the cases. Of course the diminution of the right of peremptory challenge is something not to be overlooked; but we cannot bring ourselves to feel about it as we do about the habeas corpus or the bill of rights. The popular impression that the case puts an end to "cumulative sentences" will be seen, from what we have said, to be erroneous. The cumulation of sentences seems to be reaffirmed and approved by it.

To turn now to the main opinion, that of Judge Allen, which contains the quotation from Mr. O'Connor's brief, the first thing that strikes us about it is the jaunty way in which it is written. We have not been able to re-examine all the cases cited; but if the Court has cited them in the same sort of way that it has discussed the Tichborne case, the opinion is certainly a curiosity. The paragraph relating to the Tichborne case is as follows (the English is that of the Court):

"The Tichborne case is claimed to be a direct authority for the conviction and sentences in the case at bar. Tichborne was convicted upon a trial before Lord Chief-Justice Cockburn and his associates of two distinct acts of perjury upon separate counts in an indictment, and sentenced upon each to transportation for the term of seven years, as for disconnected offences; and it is said that the time named is the extreme limit of punishment upon a single conviction for the crime charged. But if it be shown there was a conviction for two offences, which in this State would be felonies, on the same trial, which is not permissible with us, the decision cannot be regarded as authoritative evidence of the law with us. It is enough to say that no question appears to have been made to the judgment, and whether it was authorized by some value we do not know. Be that as it may, the judgment has not received the deliberative sanction of any court in bane, and has not ripened into a precedent even in England. It is at most but evidence of what the common law is as now administered in that country, but no evidence as to what it was on the 19th of April, 1775."

Now, in the first place, "Tichborne" was never convicted of anything at all. A man named Orton was convicted of perjury in personating Tichborne. This may seem a very trivial matter, but it is really such trivial matters as these which reveal the amount of care with which courts examine cases before citing them. In the second place, the case is spoken of as if it were an ordinary trial, and the point as to cumulative sentences was not probably considered. But as a matter of fact, for the express purpose of giving the decision additional solemnity and weight, the case was tried "at bar" before three judges, one of them being the Chief-Justice; and it is reasonable to suppose that if any error had been found in the judgment a most vigorous attempt would have been made to upset it. Again, the statement that this decision is "no evidence as to what the law was on the 19th of April, 1775," is very extraordinary. It is very good evidence, indeed, as to what the law was on the 19th of April, 1775. What the Court meant to say apparently

was that a modern English case is of no binding authority in the courts of an American State, which is perfectly true, but the idea is very queerly and unjudicially expressed in the words we have quoted.

We have selected these little flaws as illustrating the legal tone of the opinion. We now come to the main charge brought by Mr. O'Connor—that the Court made a dishonest use of his argument. Summarily stated, the facts are these: Various statutes of this and other States give, in certain cases, the right to what are called "penal actions," or actions in which suit is brought to recover a statutory penalty. The object of these suits is criminal—not the vindication of a private right, but the punishment of the defendant for some act contrary to public policy. Take, for example, extortion on the part of a railroad: the machinery of the suit is civil, but the object is penal. That there is an analogy between these and criminal prosecutions no one denies, and the question has arisen whether the statutory penalty given for every violation of the law must be sued for separately, or whether a number of them can be united in one suit and recovered together. As a general thing, these penalties are merely fines, but they might no doubt include imprisonment, in which case the similarity of these actions to criminal trials would be still closer. Now, in September, 1871, Mr. O'Connor made an argument before the Court of Appeals in one of these penal suits (Johnson *agt.* the Hudson River Railroad Company), against the legality of a joinder of several offences in one indictment or penal action. Johnson, in the Court below, had sued for and recovered 525 different penalties of \$50 each. This judgment was reversed by the Court of Appeals on other grounds which made it unnecessary to consider this point; but in Fisher *agt.* the New York Central and Hudson River R. R. Co. (46 N. Y. 659), Judge Grover, in delivering the opinion of the Court, said:

"This makes it unnecessary to determine whether if several penalties are recoverable they can all be recovered in one action, or whether a separate action must be brought for each penalty. I dismiss this part of the case with the simple remark that, irrespective of what was the early common-law rule, or how the question as an original one should be determined upon principle, the rule has been too long considered, settled, and acted upon in this State, that they can all be recovered in one action, to permit any departure from it by this Court."

Chief-Justice Church and Judges Allen and Folger are named as having concurred with Judge Grover. The point is *obiter*; it was clearly not involved in the decision of the case; but four judges went out of their way to state they would not permit any departure from the rule. Judge Rapallo, having been counsel, did not sit. Now, these same four judges cite the brief of Mr. O'Connor as unanswerable authority the other way. Only two matters have been brought forward in their defence—first, the *obiter* character of the opinion; second, the want of analogy between penal actions and indictments. But, as every lawyer knows, there is *obiter* and *obiter*. Where a judge throws out vague hints as to how he might decide some question not before him, neither the judge nor the court are bound; but when a court goes out of its way to announce an inflexible rule in 1871, and in 1875 denies its existence, we may be pardoned for doubting whether its opinions have that weight which those of our Court of last resort ought to have. As to the second point, the analogy between the two kinds of action is expressly laid down by this Court. If the analogy were not sound, it would have been nonsense in the Tweed case to cite Mr. O'Connor's argument from the Johnson case, and declare it unanswerable. On the whole, while we may not agree with Mr. O'Connor as to the dishonesty of the decision, it must be admitted that the opinion might, on the Court's own showing, have just as well been the other way; and if we are to consider with Judge Rapallo the consequences, we very much fear that the effect of this exhibition of judicial inconsistency or recklessness will be quite as bad as any which could come from Tweed's being sent to Blackwell's Island on cumulative rather than separate sentences. To sum up what we have said, the decision in Tweed's case is remarkable, first, because it is declared by the Court to protect the citizen against dangers which it in reality in no way lessens; second, because the Court in it upsets a rule de-



clared by it only four years ago to be in full force; third, because it does this not openly, by citing and overruling its former dictum, but covertly, without mentioning the difficulty at all.

## ENGLAND.

LONDON, July 3, 1875.

THE pendulum of public opinion, which has been oscillating with some regularity between questions affecting the Church and questions affecting the Land, has just taken a great swing Churchwards and seems likely to incline that way for some time to come. And it has been assisted by the present state of political feeling. We are all jaded and dull. The London season is closing, and people are thinking of very little now but of getting out of town and off to Scotland, or to their country-seats, or to the Continent. They are satisfied that the Government is unlikely to do anything especially mischievous or socialistic, and so they leave the Ministerial projects to take their course and to become law or not as the Ministry please. Hence it is that the Agricultural Holdings Bill, of which I wrote some time ago, seems not unlikely to pass into law without any very material change. The leaders of the Liberal party, led away by a will-o'-the-wisp in the shape of a successful election in a Welsh county, were rash enough to believe that the farmers were about to throw off their traditional allegiance to the Tory party, and give their adherence to the miscellaneous hordes which compose the Liberal party. They determined, therefore, most unwisely, as I venture to think—but it is easy to be wise after the event—to fight the most Tory constituency in England with a candidate who proclaimed himself the champion of tenant-right. The result was disastrous. The farmers would not listen to his declarations of hostility against the Ministry or against their Agricultural Holdings Bill, nor to his protestations of friendliness toward themselves. They returned his opponent, a Tory country gentleman and a supporter of the Ministry, by a large majority. The consequence of this election has been that the Agricultural Holdings Bill has been modified in the interests of the landlord; and the opposition to it in the interests of the farmers, which was in a fair way to come to maturity, has died still-born. Unless, therefore, Mr. Trevelyan can excite some feeling in favor of the unenfranchised agricultural laborer next Wednesday when he introduces his bill to assimilate the franchise in counties to that in boroughs, we shall hear very little more of the questions affecting land during the current year. The West Suffolk election has given them their quietus for a season. But, in revenge, the Church questions have risen from their graves, and they are not unlikely to give us a lively time of it for some months.

The day before yesterday, the Public Worship Regulation Act, which created so much excitement during its passage through the House of Commons last session that it had to be tied up for a year, came into operation, and on the same day Mr. Gladstone—who is generally in the thick of it when ecclesiastical storms are threatening or raging—published an article in the *Contemporary Review* with the taking title, "Is the Church of England worth preserving?" urging that the act should, so far as possible, be made a dead letter. The secret history of the act, if it be authentic, is curious. For thirty years and more, the Ritualistic party in the Church, taking advantage of ambiguities in the Rubrics and Liturgy, and of the impotence of the bishops to check their practices, have used every effort to elaborate an ornamental ritual, and, especially in the celebration of the communion, to assimilate the services of the Anglican to those of the Romish Church. So long ago as the end of 1845, when the old Tractarian movement was blossoming into modern Ritualism, it was the occasion of many excited meetings of eager Protestants. In Exeter, a large assemblage in the last days of December of that year passed a resolution denouncing the "known and systematic attempts to bring back the Protestant Church to usages which are associated in the minds of the people with the superstitions and corruptions of Rome." Nothing, however, came of those meetings, and the movement gained strength not only in large towns, where it was comparatively harmless, but even in the remote country places. In 1867, a Ritual Commission was issued, which reported in due time some mild suggestions for settling difficulties, and then for a season the matter dropped. In 1873, an address, signed by 60,000 persons of weight and influence, was laid before the highest dignitaries in the Church, drawing attention to the matter and calling for remedies. But the response to the address contained nothing but soft words and no promise of action. All this time, rumor says that the highest personage in the realm has been sorely troubled and perplexed by the excesses of this Ritualistic party. Frequently has the Bench of Bishops been pressed by no common pressure to introduce some measure to put a stop to these excesses. But during the lifetime of the late Bishop of Winchester,

Dr. Wilberforce, this pressure has been delicately ignored, and the measure shelved. Dr. Wilberforce, as you will remember, fell off his horse while riding with Lord Granville in the summer of 1873, and was killed. Some months after this catastrophe, the Ministry of which Mr. Gladstone and Lord Granville were the ruling spirits came to an end, and were succeeded by that of Mr. Disraeli and the Irish Protestant, Lord Cairns. On the 20th of April, a little more than a month after the new Ministry met Parliament for the transaction of business, the Archbishop of Canterbury, with the concurrence of the Bench of Bishops, no longer graced by Dr. Wilberforce, introduced the Public Worship Regulation Bill into the House of Lords. It received the warm support of Lord Cairns, and when it got to the House of Commons Mr. Disraeli took it under his especial protection, and sheltered it with an almost fatherly care from the fierce attacks of Mr. Gladstone. I do not vouch for the truth of this secret history. I give it as it was given to me, stating only that the facts, so far as they are ascertained, seem to bear it out.

The bill, however, is now law, and will shortly be put in operation. It provides, generally, that a churchwarden or any three parishioners of any parish in England or Wales may complain or bring an action against any incumbent for any unlawful alteration he may have made or permitted to be made during the last five years in the fabric of the church, or in its ornaments, or decorations, or furniture; or for the use of any unlawful ornament or vesture within the last twelve months; or for the neglect to use any prescribed ornament or vesture. Action may also be taken against an incumbent who, during the last twelve months, has failed to observe the directions in the Prayer-Book relating to the performance of the services, or who has made any unlawful addition to, alteration of, or omission from any services, rites, or ceremonies. If the complainants and the accused agree, they may have the matter settled by the bishop. If not, the intervention of the archbishop is called for, and he sets in motion the machinery of an ordinary court of justice, presided over by a lay judge especially appointed to try such cases, and who has power to enforce his decision by inhibiting or, if necessary, deposing the incumbent—the bishops and the archbishops by this process abnegating, as the Ritualists say, their spiritual authority, and handing over their jurisdiction to a Parliament-made judge.

The recognized promoters of the bill, and notably the Church Association, are determined that it shall not become a dead letter, whatever Mr. Gladstone may write, or whatever damage they may inflict upon the Church. The *Times* has given the stone its first push by appealing to the Protestant and Philistine instincts of its readers, and inciting them to a vigorous enforcement of the act. The Church Association is preparing, it is said, to help it on its bounding course, and no less than ten London churches have been visited by the agents of the Association with a view to collect evidence for proceedings under the act. From the country, rumors come up to town that churchwardens and parishioners who feel themselves aggrieved by the millinery and the histrionic performances of their clergy, are in earnest consultation as to how they can most effectually have their grievances redressed. Action is slower in country places than in towns, but religious fervor and partisan zeal are more easily inflamed and more persistent. If your clergyman offends you by his eccentricities in a London church, you go over the way to another church that suits you better. But in a country parish you have no such choice. If the patron of the living has settled upon you a person who dresses fantastically, and causes himself to be censured at the communion-table, and sprinkled with holy water; or who causes acolytes and crucifers to make processions and to kneel about him while he rubs their foreheads with black powder from a vessel previously blessed, sprinkled, and censed; or who worships candles and images, and puts up confessional-boxes in your little parish church, and "altar-cards" on the modest communion-table containing invocations to the Virgin Mary, the Twelve Apostles, and a variety of saints and martyrs of the pre-Reformation period—when all or any of these things occur in the wilds of Yorkshire or Somersetshire, where there may not be another church within a Sabbath-day journey of their homes, the hardship to the parishioners becomes intolerable. These things do go on in country parishes, and where this is so, I cannot blame the churchwardens and parishioners for wishing to have them stopped.

But when the war of litigation has once commenced, where will it end? The Ritualists have already shown their hand. A leading member of their body argued last month in the pages of the *Contemporary Review* that the new act having violated one of the principles of the English Constitution (namely, that "ecclesiastical laws are to be administered by ecclesiastical people") and destroyed the legal jurisdiction of the English episcopate, the Ritualistic clergy cannot recognize the new judge and ought not to obey

the new court created by the act. And at most of the Ritualistic churches a long protest against the act has been read, calling upon all true Churchmen—i.e., Ritualistic Churchmen—to refuse to acknowledge a judge and a court born in Erastianism, and nurtured by the abdication of the spiritual rights of the clergy.

It is obvious from the temper in which the various questions connected with this matter are about to be met by both the Low Church and the Ritualists that Mr. Gladstone's well-meant plea for forbearance will be of no effect. The first case that is pressed will open up the floodgates of ecclesiastical rancor, and we shall have a war of recrimination waged with all the vigor of the theological disputes of long ago. The Low-Church party hardly want the *Times* to egg them on. It is a matter of conscience with men of the temperament and convictions of Lord Shaftesbury to put down a form of public worship which they consider hateful to the Almighty and dangerous to the people; and, having the power, they will be sure to use it. The party assailed will, at first, retaliate. They will attempt to harass their Low-Church brethren by recriminatory actions, with a view to make them conform to the strict letter of the Rubric, which they may, by omission, violate. But this cannot last long. The Protestant party must gradually drive the Ritualists to the wall. They are in a minority, and they have the common-sense of the country against them. Then will come the question of secession and the relinquishment of their benefices. But, as Lord Salisbury said on the second reading of the bill in the House of Lords: "Secession means disestablishing yourself without disestablishing your opponent—it means yielding up vantage-ground." And are the oppressed party in this case likely to follow such a policy? The Free-Church party did so in Scotland thirty years ago for conscience' sake. But the leaders of the Free-Church party, Chalmers, Guthrie, Candlish, were men of might and of prodigious influence with their followers; and their followers were men and women who had the example of their Covenanted forefathers before their minds, and who were endowed by nature and tradition with the "perfidium Scotorum ingenium"—a plant which does not bloom in other nationalities. The English temperament is different. It cannot be directed, like the Scotch, to one consistent and self-sacrificing end. Secession is, therefore, in my opinion, an improbable contingency. Some few of the more determined of the Ritualists may sever connection with the Anglican and throw themselves into the Roman Church. Others may, like Mr. Voysey, become Congregational ministers so long as their congregations can endure them. But the majority will remain in the Anglican Church, conforming outwardly, but inwardly they will help on the crisis of disestablishment, which every day becomes more and more inevitable. Such is my conjecture, for what it may be worth. In corroboration, I may mention this, which I can vouch for as a fact: that at one at least of the more recent Parliamentary elections some of the most zealous supporters of the Liberal candidate were Ritualistic clergymen who, at the general election before the introduction of the Public Worship Regulation Act, were among his most active opponents; the Liberal candidate, you must remember, having gone a long way towards pledging himself for disestablishment. There is another alternative, but an unlikely one. The Low-Church and the Ritualistic section of the Church may proclaim a truce, on the understanding that they will both assail their common enemy, the Broad-Church section. Even if such an unholy alliance for such unholy ends were possible, it would be but transient. The confederates would inevitably quarrel among themselves, and their divided ranks would then become an easy prey to the solid forces of the Nonconformist and Dissenting bodies, backed as they would be for the destruction of the Anglican Church by the whole Roman Catholic organization.

#### MINISTER FALK IN THE RHINE PROVINCES.

BERLIN, July 4, 1875.

THE discussions on the war question have at last come to an end, after the meeting of the Emperors Alexander and Francis Joseph has furnished one more opportunity to the correspondents and article-writers to communicate for the hundredth time to the public their speculations on the signs of the times. Our statesmen have left the dusty and altogether too odorous streets of Berlin, and we may hope that at least during the reign of the dog-star we shall not be haunted by any political spectres of the international species. Yet we do not lack topics for political discussion, and even—if we care for this less savory article—topics for political meditation. The last number of the *Kölnische Zeitung* lies before me. In its telegraphic despatches there is more than a column filled by two reports—I need not say that they are from "special reporters"—on the progress of Dr. Falk in his journey in the Rhenish Provinces. Nothing is forgotten that anybody could possibly wish for. The "special reporters" have even taken good

care to let us know when the speakers were rewarded only by an "applause" pure and simple, and when the applause was "continued," or even "stormy," as we Germans say. For a pretty long time now we have been treated to this kind of reading, measured out by the yard with alarming liberality, and you may take it as a sign of the times, and one well deserving to be reflected upon. The name of more than one petty prince is still remembered because Goethe could not refrain from writing down and thereby committing to posterity the interesting fact that he had been "honored" by the visit of his highness. The present generation has certainly a little more self-respect, but even in our day those who do not think it an enviable honor to come within arm's length of any prince are not to be counted by the hundred thousand. Whatever happens at court is in itself important and interesting enough to be telegraphed from one end of the Empire to the other. But whoever heard of such a fuss being made over the journey of a simple Cabinet Minister! Bismarck in his time has also been the object of some pretty enthusiastic demonstrations, but we were never informed by telegraph how "graciously" and "condescendingly" he received them. And now even Mrs. Falk has become so grand a personage that we have to read morning and evening how she has charmed everybody by her "condescending manner." One cannot help feeling a little uncomfortable when the principal newspapers of a great people begin to feed the public upon such stuff.

Perhaps that would not be worth mentioning if nothing else was blame-worthy in these strange proceedings. There are, however, many warm and sincere friends of Dr. Falk and his policy who do not think that such is the case. When the Minister set out on his journey, it was announced that he intended to "study" the Rhenish Provinces, the stronghold of Ultramontanism in Prussia. We beg leave to doubt that it is the best way for a Minister to "study" a province, the great majority of whose population is most decidedly opposed to his policy, by accepting day after day dinners, suppers, and torchlight processions from the minority. Undoubtedly, these demonstrations are not "got up" and "fixed"; they are tributes voluntarily paid, and we can fully understand, what Dr. Falk repeats in every city, that they gladden his heart to its inmost centre after the mountains of abuse that are daily heaped upon him. Yet he did not go there to refresh his courage and to recuperate his strength, but to "study" the Provinces. It is true, he has repeatedly said how well aware he is of the fact that these demonstrations do not express the feelings of the majority of the population. But is it likely—not to say possible—that the clouds of incense should not turn into a mist before his eyes? And, certainly, these are times when everybody should wish above all that to his eye the whole atmosphere should be as clear as the purest crystal. But how is that possible, even supposing that these one-sided demonstrations in themselves will not dim his sight in the least? They cannot but have a great effect upon his adversaries, the great majority of whom constitutes the bulk of the country people. How is it possible that they should put on their everyday faces in view of this unheard-of apotheosis, every detail of which is calculated to press the sting deeper into their sore flesh? One would suppose, however, that, in order to "study" the Provinces, the Minister would have wished to find everybody exactly with his everyday face.

There is yet another point of view from which the comedy is universally looked upon. The manner in which he receives the marks of cordial sympathy and enthusiastic approbation is perhaps the strongest proof we have as yet been furnished of the fact that in the last ten years public opinion has become an enormous power in Germany. Though we may well rejoice over this fact, it is still a question whether there is any reason to rejoice that it is demonstrated in this manner. Americans should be careful not to answer it from their American standpoint. What is perhaps quite natural and correct in the United States may easily be unnatural and forced, and therefore unhealthy, in Germany. Any American may go on reception-day to the White House and "shake hands" with the President without thereby in the least endangering the foundations of the Republic. But it does not follow that a Prussian Minister is right in meeting every committee who come to express their approval of his policy with the degree of familiarity Dr. Falk has seen fit to adopt for his "Studienreise." A well-known general—a firm friend of the Government's policy towards Rome—said to me the other day, his lips quivering with emotion: "It did not use to be the practice of Prussian Ministers to go roving through the country delivering beer-speeches in every place they happened to pass through." This is stronger language than the occasion calls for; yet it pointedly expresses what many people think and feel. It would undoubtedly be desirable to have the distance at which perhaps not so much public opinion as public sentiment keeps the members of the Cabinet from the common crowd of mortals, considerably diminished; but as long as the people view the



Government in the light they do at present, it is of at least doubtful propriety for a Minister not only to suffer such demonstrations, but also to become an active participant in them, by developing and defending his policy at length before these motley audiences. We are too young and inexperienced as a self-acting, political people not to risk something by enticing the Ministers from their high pedestals into the crowd. There is a place where they have to account for what they do, and our representatives and the press are quite sufficient to communicate to them what we think about it. Whenever they allow themselves in any way to be drawn into the arena of the public at large, they are in danger of being suspected of a kind of political agitation which one cannot but deprecate; for, remember, our Ministers are not the leading members of the majority of the Landtag, but the Cabinet of the King. I am far from accusing Dr. Faik of any such designs—he has too high an opinion of the position of a Minister ever to become guilty of playing the part of a common politician—but I think he is damaging his cause, for his course renders it impossible to refute the unjust accusations of his adversaries in an efficient manner. And the press is doing its utmost to aggravate the evil by accompanying with such a deafening flourish of trumpets every compliment paid to the Minister. Who can blame the Ultramontanes for taking it to be the blast of the war-bugle? Certainly, such demonstrations could never have taken place if the fight had not waxed so warm that, on both sides, reason often finds it hard to get the better of passion; and can any one deny that in this struggle it is of the utmost importance for the Minister not only to be, but also to appear, absolutely free from passion?

To make bad worse, a particularly unfavorable moment has been chosen "to fire the heart" of the Ultramontanes. We stand on the eve of the elections for the Landtag in Bavaria, where in the last few years parties have been so evenly balanced that once the accidental absence of a single member of the Liberal party was sufficient to turn the scales in an important vote. If the Ultramontanes should now succeed in electing a majority, be it ever so small, grave consequences may be apprehended, and it is far from unlikely that they will be victorious,\* for they will not fail to bring their last man to the ballot-box, while the zeal and the organization of the Liberals leave much to be desired. Perhaps the result of the elections would no longer be doubtful if there were not some dissensions among the Ultramontanes. The official platform of the party promises "faithfulness to the Empire and to the treaties"—i.e., the Treaty of Versailles. Not only all the Liberal parties entertain grave doubts about the sincerity of these promises; they are denounced with great vehemence by the radical wing of the Ultramontanes themselves. What these irreconcilables aim at may be seen from the following declaration in the *Amberger Volksblatt*: "They hate us Catholics, they want to annihilate and Lutherize us—that is evident from all the manoeuvres of the Liberals. So the present campaign is evidently a religious struggle. Protestants, Jews, Old-Catholics, New Heathens, against Catholics! The election agitation has this time an easy game; our whole programme is: defence of our holy faith." This language the Bavarian peasant, to whom it is addressed, understands, and he will not leave it unheeded. Only a part of those who, under the Crown Prince, have stood by the side of the Prussians on many a hard-won battle-field in France, may take exception to it, and the more so because care is taken to inform them how the French press glories in it, while it rebukes, in a tone of paternal grief, the weak-kneed and unprincipled concessions in the official platform. If the number of veterans in whom these recollections are still of sufficient force to render the instigations of the priests vain were insignificant, we should be sure of not finding those concessions in the platform. Whether they will suffice to deceive those unsophisticated minds about the true ends of the real leaders of the party, we shall soon know. But of one thing we already feel quite sure: much as we should regret a victory of the Ultramontanes, yet the worst fruits it would bear would be to the Ultramontanes themselves. It is not likely that the moderate wing would be able to secure the leadership to themselves, while, with the peculiar position of Bavaria in the Empire, it is not impossible that the radical faction might succeed in infusing such a strength into the Opposition, and giving it such a character, that we should find ourselves unable to proceed by legal means in the work of building up the Empire. But if it comes to that, we shall remember that in 1866 the corner-stone of the Empire was laid by a revolution, and neither the author of this one nor the mass of the people will hesitate to finish the work by another revolution, if it cannot be done otherwise. If the leaders of the Ultramontanes are not quite blindfolded by passion, let them pause and open their eyes, and they must become convinced that the work of the last ten years cannot be undone. If

\* They have, in fact, obtained a majority of three.—ED. NATION.

they should ever attempt to do it, they would only bring about a crisis, the effect of which would be to finish by one violent stroke what should be the result of a slow and peaceful development.

## Notes.

J. SABIN & SONS have put everybody but collectors under an obligation by reproducing in fac-simile the veteran Cruikshank's 'My Sketch-Book,' a work now among the hardest to obtain, and yet one of those most sure to live as the product of a rare genius. All of the artist's characteristics are present in these etchings, and some of the examples, both of his fun and of his sentiment, are among the highest efforts of his pencil. For the period 1834-36 these sketches are as good as so many fashion-plates. —Mr. Longfellow's "Morituri salutamus" was being delivered about the time when Adolf Starr was proving in Westermann's *Illustrirte deutsche Monatshefte* that the "Ave Imperator, morituri te salutant" was probably an invention of Dion Cassius or of unsupported tradition. The naumachia which this author describes when introducing the phrase had also been described by Tacitus and Suetonius, who were both silent as to the incident. But, *ben trovato* or not, nothing can now deprive the world of this useful notice.—The *Athenæum* for July 17 contains a full and appreciative notice of the late John Elliot Cairnes, and supplies the dates about which we were doubtful. Prof. Cairnes was born at Drogheda in 1824. —Some person who should have known better sent us, with the usual evidences both of good faith and of culture, a pretended quotation from Polydore Vergil which we printed as a Shaksperian parallel in No. 506 of the *Nation*. We have since learned it to be a forgery, and must warn all commentators off from it.—The fifteenth annual meeting of the National Educational Association will be held in Minneapolis on August 3, 4, and 5. The railroads have generally consented to a reduction of rates for these wishing to attend.—We should set most value on the portrait of Corot in the illustrations of the *Art Journal* for July (D. Appleton & Co.) The wood-cuts from his paintings, however, seem rather inadequate. There are, besides more of Landseer's sketches, a continuation of the admirably engraved views along the Hudson, and an instructive paper by Sir Rutherford Alcock on "Japanese Art," with numerous examples.—The etchings in the July *Portfolio* (J. W. Bouton) are a landscape after Crome, and a Persian warrior after Etty, each striking in its way. The photogravure is of sheep, after a painting by Rosa Bonheur, and is accompanied by a brief sketch of this artist's career by René Ménard. The metaphysical article, "Some Characteristics of Artistic Movements," is by G. A. Simcox.

—*Lippincott's* for August contains a number of readable but no very striking articles. The illustrated paper by Cecil Buckland, describing a two weeks' journey from Bayonne to Estella and back, falls a good deal short of the possibilities of the subject. What is most valuable in it is its account of the unwarlike aspect of the Carlist territory: "Cultivation went on as usual, and the soil is so fertile that, although the troops may sometimes be kept waiting for their pay, there does not seem much chance of their running short of provisions. . . . Another reason why the agricultural productions of the country have not decreased since the war is found in the fact that the women do much of the field-labor. The food of the inhabitants is simple enough: meat is cheap, and their little farms yield them three, and sometimes four, crops in the year." There is a well-written and light but suggestive article on the modern constitutions of France, by E. C. Grenville Murray; and we have read also the probable story of "Frau Sommer's Pleasure-trip," in which the heroine gets herself into a mad-house under circumstances which would hardly have disconcerted one of our countrywomen in her station, more travelled, more independent, and less nervous. In the "Monthly Gossip," two subjects, the tercentenary of the University of Leyden and the flowers of Paris, are treated in an interesting manner; and the argument in favor of abolishing conspicuous and individual monuments in our city cemeteries is worth considering in connection with Mr. Haden's efforts to make the disposal of the dead less burdensome and offensive to the survivors.

—The October number of the *Historical and Genealogical Register* will be devoted to a history of the Centennial celebrations of the current year in New England. The number for July, meantime, will be found unusually attractive. The customary steel portrait is of the late Judge Timothy Farrar, whose career is briefly sketched. He was a law partner of Webster's in Portsmouth, N. H., and he reported the famous Dartmouth College case. To the list of his writings for the periodicals given by his biographer we can add his contribution to the *Nation* on "The Suffrage and

the Constitution," printed on page 213 of Vol. I. A blood-relationship between Gibbon, the historian, and Jefferson, through the Randolphs of Virginia, is discussed by Abram E. Clatter, and is made plausible enough to warrant further enquiry. Dr. Hiland Hall describes very clearly the origin of the mistake by which Vermont was reported in the census of 1790 as containing 10 slaves, although the constitution of 1777, with which the State came into being, expressly prohibited slavery. This error was discovered in time to prevent its reappearance in the census of 1870. What is curious about it is that it arose from an attempt on the part of the marshal of Bennington County to classify the free blacks more minutely than the schedule called for. The 15 females thus set down in a column appropriated to another heading were converted by the compiler of the census into 16 slaves, and in subsequent censuses the number somehow grew to 17. Mr. Charles W. Tuttle announces that he shall furnish proof that the State of Maine derived its name from its coast having been referred to as "The Mayne," and not from the province of Maine in France. Several important genealogies are printed in the *Register*—Marcy, Alger, Peirce, etc.; and a useful list of portraits and busts in possession of Brown University and of the Providence Athenæum continues a scheme which was begun in the number for October, 1874, with a catalogue of the busts and portraits in the State House at Concord, N. H., and the Phillips Exeter Academy, and which will be continued for other institutions and public galleries, with a view to completeness.

—The appearance of the seventh edition of Bartlett's "Familiar Quotations" (Little, Brown & Co.) raises afresh the interesting question, What is a familiar quotation? We have not at hand the sixth edition of this standard work, but we infer that it was not revised upon the fifth, and that the present one contains the changes and additions which have occurred to the editor since 1868. The result is a volume larger by nearly seventy pages than its immediate predecessor; to Shakspeare alone, for example, "more than three hundred lines have been added." Doubtless we cannot infer in his case that the newly-recorded household words have become "familiar" in the past seven years, any more than in the case of Lady Dufferin's "I'm sitting on the stile, Mary," which had no place in the sixth edition. Or shall we say that Mr. Emerson's prose must have gained readers and admirers in the same period, because nearly a page of it is now inserted for the first time? The "heathen Chinee" obtains probably as early an admittance as was possible; but Lowell's "Crisis" and "Biglow Papers," first series, and "Zekle crep' up quite unbeknown" have been made, we should say, to undergo a little seasoning. The same may be remarked of Tennyson's "I held it truth with him who sings," and the "Charge of the Light Brigade," and "O good gray head which all men knew." On the other hand, an added stanza from Whittier's "Lines on Burns" may be deemed to fall in the first rather than in the second category of which the compiler speaks when he says (advertisement to the fourth edition), speaking of various happy sayings which ought to be familiar: "To admit these simply on their own merits, without assurance that the general reader would readily recognize them as old friends, was aside from the purpose of this Collection." But after all, the compiler is and must be the only arbiter, and the longer his collection is prized as this one is by the public, the more his judgment will be justified, for he will have made familiar what was not so before; and as Mr. Bartlett omits nothing in his successive editions, or, in other words, does not attempt to discriminate between now current and lately or once current quotations, he keeps familiar what was in danger of becoming obsolete. Originally chiefly a collection of poetical quotations, making a choice anthology of the English language, the work has little by little invaded the domain of prose, and the most interesting additions to the present edition are in the latter department. Among the proverbial expressions (conveniently arranged by alphabet) we notice for the first time "Mad as a March hare" and the "Music of the spheres"; while by entering "Eternal vigilance is the price of liberty" and "Lost to sight to memory dear" with the statement "author unknown," Mr. Bartlett seems to invoke the aid of the curious in discovering the proper authors of these sayings. It is odd to find "Dead as Chêlsea" an English expression, referring to Chêlsea Hospital, and more than a hundred years old at that. In Boston, it has been used for time out of mind in contemptuous allusion to a neighboring city; just as in Lynn they have a habit of saying "as dead as Saugus."

—Whatever New York may be doing respecting her new "musical establishment," London is taking some energetic strides towards the settlement of a National Training School for Music. Some time back the promoters of this new auxiliary to the Department of Science and Art, headed by the Duke of Edinburgh (himself a violinist and composer), essayed to fuse their project with the existing Royal Academy of Music. But the

Royal Academy, somehow or other, has always been reputed as of a jealous and exclusive temperament, and is wedded to its own peculiar views about extending musical education to "the people." So the Duke and his coadjutors, foremost among these being the untiring Sir Henry Cole, returned to South Kensington, and resolved by themselves to found a National School of Music under the shadow of the great Albert Hall, with its concert-rooms and theatre, which will serve as the *locus in quo* of the public performances of the school. To their aid seasonably enough has come Mr. Freaque, the builder, who has built and owns many of the sumptuous residences in the South Kensington quarter of London. This gentleman is induced to build for the Association a training school, specially designed and fitted for their use; he next presents the edifice as a gift; and his wife, who is well known in London musical coteries, agrees to found one of the first scholarships of the institution. On June 13, the whole scheme was ripened for public acceptance by a meeting at Marlborough House, the residence of the Prince of Wales, and, he himself being present and in the chair, we read that there were "two archbishops, two royal princes, the Lord Mayor and leading members of the corporation, all advocating the civilizing influence of music and the necessity of providing for adequate tuition, so that no incipient indication of ability for the science of sweet sounds should not be at once turned to the best account." Since then Sir Michael Costa, Sir Julius Benedict, Sir George Elvey, Herr Hallé the pianist, and Professors Ella and John Hullah, both at the head of the musical profession in England, have been appointed to examine into the progress and working of the new training school. Finally, at a conference at the Mansion House, the Lord Mayor presiding, a committee was appointed to make arrangements for the forthcoming public meeting in connection with the proposed school. Sir Henry Cole announced that it was contemplated that there should be 300 scholarships of £40 a-year each, to be tenable for five years, though they would probably have to be content with 50 or 100 scholarships for the first twelve months.

—The merchants of the Nile, according to the African traveller, Dr. Nachtigal, are opening up the interior of the kingdom of Wadai, lately accepted as a tributary of Egypt, and the whole of the country will probably be accessible to foreign traders within the next few years. The *Pall Mall Gazette*, in abridging the traveller's interesting account of his experiences, laid before a meeting of the Berlin Geographical Society, describes the king's rule as extending far beyond the limits of his own country, and comprising the numerous desert tribes up to the land of the Niam-Niams. The area of his territory is about three thousand square miles, and the population Dr. Nachtigal estimates at about 2,500,000. The ground rises from east to west, and attains an elevation of from 1,000 to 1,500 feet above the sea-level. The religion of the people is Mohammedan, and their customs resemble those of most uncivilized Mohammedan countries. The king is looked upon as a sort of divinity; his mother must be of the dominant race; he must be without any physical or mental defect, always eat alone, and never drink beer. The king's drinking-vessels, and the wells from which they are filled, are covered with cloths, to protect the water against the influences of the evil eye, and the women and girls who take the water to the king's palace are always accompanied by a guard. The royal insignia are a crown, a sun-umbrella of ostrich feathers, and the family Koran. The king's harem consists of about five hundred women, and when the king dies his daughters are married at the expense of his successor: the sons, except the heir to the throne, being blinded with hot irons. The highest dignitaries of state, when they are summoned to appear before the king, always approach him on all-fours, with downcast eyes. The administration of the country is entirely in the hands of the officials, who are taken mostly from certain privileged families. A separate and generally despised class, though for what reason does not appear, is formed by the smiths. To call a man a smith in Wadai is an insult which can only be atoned for by blood. They have a sort of king, who has to shave the real king's head once a week. This "king of the smiths" is also the surgeon of the harem, and performs the operation of blinding the king's relatives on his accession. One of the most profitable of the appointments in the civil service is that of "searcher." The duty of this official is to look for beer-drinkers. He has a number of spies under his orders, who go into each house to seek the forbidden liquor, and every man on whose premises it is found is liable to have his whole property confiscated and his wife's head shaved. Generally, however, the "searcher" is satisfied by the payment of a heavy fine. The taxation of the country is very heavy. Of every ten fish that are caught, eight have to be given to the king; he also gets as taxes every three years about 200 cwt. of ivory, 4,000 slaves, 5,000 camels, and 10,000 cattle. All the horses born in the country which are not required for breeding belong to the king, besides which he receives large contributions of skins, mats,



honey, rice, ostrich and guinea-fowl eggs, water-jars, butter, and salt. The king is the judge in all criminal cases affecting the royal family and the higher officials. Murderers are usually given up to the families of their victims, who may either accept compensation (usually consisting of 100 camels and 100 horses) or take the murderer's life. Theft is punished the first and second times with a fine, and the third time with death. The sentence in such cases is executed by the king's musicians. The penalty of death by shooting is inflicted on the higher officials only; other malefactors are either strangled or impaled. The army consists of 40,000 infantry and 5,000 to 6,000 cavalry. A third of the latter wear armor; and although there are 4,000 muskets in store, only 1,000 of the troops know how to use them. In time of war the army is divided into three detachments, with the king in the middle. The battle is fought by the two wings, and when it ends unsuccessfully the king sits down on a carpet and calmly awaits his fate.

—We have just received the first number of the second volume of the *Rivista di Filologia Romanza*, the first volume of which we noticed in the *Nation*, No. 494. The present number is of special interest to students of old Italian literature, containing among other articles two *Devozioni* of the first half of the XIVth century. These *Devozioni* are dramatic compositions which were represented in the church, the first upon Thursday of Holy Week, the second on Good Friday, and are of the highest importance for an understanding of the development of the Italian sacred drama. The four steps were: the liturgic dramas, the *Laude*, the *Devozioni*, and the *Sacre Rappresentazioni*. Five of these *Laude* are given in the Review in a continuation of the article on "Uffizj Drammatici dei Disciplinati dell' Umbria." Karl Bartsch contributes a didactic poem of the XIIIth century, taken from the Vatican MS. 4476, with valuable annotations by Mussafia, and there are, besides, a description of the Provençal *Canzoniere* which belonged to the late Sir Thomas Phillipps, of Middlehill, reviews of works relating to Italian philology and literature, and contents of the various periodicals devoted to the Romance languages.

#### SWINBURNE'S ESSAYS.\*

MR. SWINBURNE has by this time impressed upon the general public a tolerably vivid image of his literary personality. His line is a definite one; his note is familiar, and we know what to expect from him. He was at pains, indeed, a year ago to quicken the apprehension of American readers by an effusion directed more or less explicitly to themselves. This piece of literature was brief, but it was very remarkable. Mr. Emerson had had occasion to speak of Mr. Swinburne with qualified admiration, and this circumstance, coming to Mr. Swinburne's ears, had prompted him to uncork on the spot the vials of his wrath. He addressed to a newspaper a letter of which it is but a colorless account to say that it embodied the very hysterics of gross vituperation. Mr. Swinburne has some extremely just remarks about Byron's unamenableness to quotation, his having to be taken in the gross. This is almost equally true of our author himself; he must be judged by all he has done, and we must allow, in our judgment, the weight he would obviously claim for it to his elaborate tribute to the genius of Mr. Emerson. His tone has two distinct notes—the note of measureless praise and the note of furious denunciation. Each is in need of a correction, but we confess that, with all its faults, we prefer the former. That Mr. Swinburne has a kindness for his more restrictive strain is, however, very obvious. He is over-ready to sound it, and he is not particular about his pretext. Some people, he says, for instance, affirm that a writer may have a very effective style and yet have nothing of value to express with it. Mr. Swinburne demands that they prove their assertion. "This flattering unction the very foolishlest of malignants will hardly, in this case [that of Mr. D. G. Rossetti], be able to lay upon the corrosive sore which he calls his soul; the ulcer of ill-will must rot unrelieved by the rancid ointment of such fiction." In Mr. W. M. Rossetti's edition of Shelley there is in a certain line an interpolation of the word "autumn." "For the conception of this atrocity the editor is not responsible; for its adoption he is. A thousand years of purgatorial fire would be insufficient expiation for the criminal on whose deaf and desperate head must rest the original guilt of defacing the text of Shelley with this most damnable corruption."

The essays before us are upon Victor Hugo, D. G. Rossetti, William Morris, Matthew Arnold as a poet, Shelley, Byron, Coleridge, and John Ford. To these are added two papers upon pictures—the drawings of the old masters at Florence and the Royal Academy Exhibition of 1868. Mr.

\* "Essays and Studies. By Algernon Charles Swinburne." London: Chatto & Windus. 1875.

Swinburne, in writing of poets, cannot fail to say a great many felicitous things. His own insight into the poetic mystery is so deep, his perception in matters of language so refined, his power of appreciation so large and active, his imagination, especially, so sympathetic and flexible, that we constantly feel him to be one who has a valid right to judge and pass sentence. The variety of his sympathies in poetry is especially remarkable, and is in itself a pledge of criticism of a liberal kind. Victor Hugo is his divinity—a divinity whom indeed, to our sense, he effectually conceals and obliterates in the suffocating fumes of his rhetoric. On the other hand, one of the best papers in the volume is a disquisition on the poetry of Mr. Matthew Arnold, of which his relish seems hardly less intense and for whom he states the case with no less prodigious a redundancy of phrase. Matthew Arnold's canons of style, we should have said, are a positive negation of those of Mr. Swinburne's, and it is to the credit of the latter's breadth of taste that he should have entered in to an intellectual temperament which is so little his own. The other articles contain similar examples of his vivacity and energy of perception, and offer a number of happy judgments and suggestive observations. His estimate of Byron as a poet (not in the least as a man—on this point his utterances are consummately futile) is singularly discriminating; his measurement of Shelley's lyric force is eloquently adequate; his closing words upon John Ford are worth quoting as a specimen of strong apprehension and solid statement. Mr. Swinburne is by no means always solid, and this passage represents him at his best:

"No poet is less forgettable than Ford; none fastens (as it were) the fangs of his genius and his will more deeply in your memory. You cannot shake hands with him and pass him by; you cannot fall in with him and out again at pleasure; if he touch you once he takes you, and what he takes he keeps his hold of; his work becomes part of your thought and parcel of your spiritual furniture for ever; he signs himself upon you as with a seal of deliberate and decisive power. His force is never the force of accident; the casual divinity of beauty which falls, as though direct from heaven, upon stray lines and phrases of some poets, falls never by any such heavenly chance on his; his strength of impulse is matched by his strength of will; he never works more by instinct than by resolution; he knows what he would have and what he will do, and gains his end and does his work with full conscience of purpose and insistence of design. By the might of a great will seconded by the force of a great hand he won the place he holds against all odds of rivalry in a race of rival giants."

On the other hand, Mr. Swinburne is constantly liable on this same line to lapse into flagrant levity and perversity of taste; as in saying that he cannot consider Wordsworth "as mere poet" equal to Coleridge as mere poet; in speaking of Alfred de Musset as "the female page or attendant dwarf" of Byron, and his poems as "decoctions of watered Byronism"; or in alluding jauntily and *en passant* to Gautier's "Mademoiselle de Maupin" as "the most perfect and exquisite book of modern times." To note, however, the points at which Mr. Swinburne's judgment hits the mark, or the points at which it misses it, is comparatively superfluous, inasmuch as both these cases seem to us essentially accidental. His book is not at all a book of judgment; it is a book of pure imagination. His genius is for style simply, and not in the least for thought nor for real analysis; he goes through the motions of criticism, and makes a considerable show of logic and philosophy, but with deep appreciation his writing seems to us to have very little to do. He is an imaginative commentator, often of a very splendid kind, but he is never a real interpreter and rarely a trustworthy guide. He is a writer, and a writer in constant quest of a theme. He has an inordinate sense of the picturesque, and he finds his theme in those subjects and those writers which gratify it. When they gratify it highly, he conceives a boundless relish for them; they give him his chance, and he turns on the deluge of his exorbitant homage. His imagination kindles, he abounds in their own sense, when they give him an inch he takes an ell, and quite loses sight of the subject in the entertainment he finds in his own word-spinning. In this respect he is extraordinarily accomplished; he very narrowly misses having a magnificent style. On the imaginative side, his style is almost complete, and seems capable of doing everything that picturesqueness demands. There are few writers of our day who could have produced this description of a thunder-storm at sea. Mr. Swinburne gives it to us as the likeness of Victor Hugo's genius:

"About midnight, the thunder-cloud was full overhead, full of incessant sound and fire, lightening and darkening so rapidly that it seemed to have life, and a delight in its life. At the same hour, the sky was clear to the west, and all along the sea-line there sprang and sank as to music a restless dance or chase of summer lightnings across the lower sky; a race and riot of lights, beautiful and rapid as a course of shining Oceanides along the tremulous floor of the sea. Eastward, at the same moment, the space of clear sky was higher and wider, a splendid semicircle of too intense purity to be called blue; it was of no color namable by man; and midway in it, between the stars and the sea, hung the motionless full moon; Artemis watching with serene splendor of scorn the battle of Titans and the revel

of nymphs from her stainless and Olympian summit of divine indifferent light. Underneath and about us, the sea was paved with flame; the whole water trembled and hissed with phosphoric fire; even through the wind and thunder I could hear the crackling and sputtering of the water-sparks. In the same heaven and in the same hour there shone at once the three contrasted glories, golden and fiery and white, of moonlight, and of the double lightning, forked and sheet; and under all this miraculous heaven lay a flaming floor of water."

But with this extravagant development of the imagination there is no commensurate development either of the reason or of the moral sense. One of these defects is, to our mind, fatal to Mr. Swinburne's style; the other is fatal to his tone, to his temper, to his critical pretensions. His style is without measure, without discretion, without sense of what to take and what to leave; after a few pages, it becomes intolerably fatiguing. It is always listening to itself—always turning its head over its shoulders to see its train flowing behind it. The train shimmers and tumbles in a very gorgeous fashion, but the rustle of its embroidery is fatally importunate. Mr. Swinburne is a dozen times too verbose; at least one-half of his phrases are what the French call phrases in the air. One-half of his sentence is always a repetition, for mere fancy's sake and nothing more, of the meaning of the other half—a play upon its words, an echo, a reflection, a duplication. This trick, of course, makes a writer formidably prolix. What we have called the absence of the moral sense of the writer of these essays is, however, their most disagreeable feature. By this we do not mean that Mr. Swinburne is not didactic, nor edifying, nor devoted to pleading the cause of virtue. We mean simply that his moral plummet does not sink at all, and that when he pretends to drop it he is simply dabbling in the relatively very shallow pool of the picturesque. A sense of the picturesque so refined as Mr. Swinburne's will take one a great way, but it will by no means, in dealing with things whose great value is in what they tell us of human character, take one all the way. One breaks down with it (if one treats it as one's sole support) sooner or later in aesthetics; one breaks down with it very soon indeed in psychology. We do not remember in this whole volume a single instance of delicate moral discrimination—a single case in which the moral note has been struck, in which the idea betrays the smallest acquaintance with the conscience. The moral realm for Mr. Swinburne is simply a brilliant chiaroscuro of costume and posture. This makes all Mr. Swinburne's magnificent talk about Victor Hugo's great criminals and monstrosities, about Shelley's Count Cenci, and Browning's Guido Franchisini, and about dramatic figures generally, quite worthless as anything but amusing fantasy. As psychology it is, to our sense, extremely puerile; for we do not mean simply to say that the author does not understand morality—a charge to which he would be probably quite indifferent; but that he does not at all understand immorality. Such a passage as his rhapsody upon Victor Hugo's Josiane ("such a pantheress may be such a poetess," etc.) means absolutely nothing. It is entertaining as pictorial writing—though even in this respect, as we have said, thanks to excess and redundancy, it is the picturesque spoiled rather than achieved; but as an attempt at serious analysis it seems to us, like many of its companions, simply ghastly—ghastly in its poverty of insight and its pretension to make mere lurid imagery do duty as thought.

#### THE NORTH AMERICAN REVIEW FOR JULY.

IN a paper on Geographical Surveys, Prof. J. D. Whitney gives, in a popular form, a great deal of valuable information as to the progress of topography in this and other countries. The general law of topographical progress which he lays down is very simple, namely—that the minuteness and accuracy of surveys in any country will depend ultimately on the value of the country to man; i.e., very rough surveys are all that we need expect of lands which are unfit for man's habitation; while the importance of having thorough surveys increases directly with every increase of use to which land can be put. For the general survey of Great Britain known as the "Ordnance Survey" two scales were selected, one of six inches and the other of one inch to the mile; but the map of London is on the scale of five feet. This law, applied to America, would lead us to expect to find that the work had been very roughly done in some directions, and would over a great part of the country be hardly even worth doing at all, while large portions of it ought to be very minutely and accurately known. The law, however, does not work of itself, and in this country there have been certain human causes, chiefly the ignorance of politicians, which have prevented its working smoothly. We find, indeed, that though a great deal of money has been spent on topography, much of it has been spent without system, and the result is now a sort of chaos of surveys carried on by different bodies under different authority, without any com-

mon object or plan of operations. We have, it is true, in the Coast Survey a work which is highly creditable to American science, and which has been in progress, with an interruption of sixteen years, since 1801. This survey was originally intended, of course as its name implies, for the coast alone, but fortunately for us the remarkably indented character of our coast has made it necessary to triangulate a good deal of the interior also, and thus we have, in the case of some States, like New Jersey and Maryland, no small portion of their topography given accurately. The Coast Survey now receives from Congress an annual appropriation for extending its work "so as to form a geodetic connection between the Atlantic and Pacific coasts." If in the end the whole interior were to fall into its hands, no one who has the interest either of science or the country at heart would be sorry. Besides the Coast Survey, however (which is attached to the Treasury Department), there is a Lake Survey carried on under the War Department—why separated from the Coast Survey it would probably be difficult to discover; and then there are also the Land-Office surveys, carried on by the Interior Department, the work of which is done, according to Professor Whitney, with "the simplest and least accurate instruments" and without any triangulation. The result of this is that the work is badly done, and it will, as Professor Whitney says, be apt to excite some surprise, in any one who reads the Land-Office report that the guide meridians and standard parallels are "run, as nearly as human skill can effect it, upon true meridians and parallels of latitude," to learn that in truth portions of these lines are miles away from where they ought to be. The work, it seems, will have to be done over again. Besides this, the Engineer Bureau has done much topographical work, and has nominally the credit of Mr. King's excellent Fortieth Parallel Survey; and there is also a survey of the Territories, under charge of Dr. F. V. Hayden and Mr. J. T. Gardner, his assistant; and a survey of the Colorado River, which has been going on for about five years, first under the Department of the Interior, and afterwards under the Smithsonian Institution. These last two surveys cover in a great measure the same ground, but there is still a third, under the direction of the Engineer Bureau, known as Lieutenant Wheeler's Survey. Such is the very confused condition of affairs (we have left out of consideration the various State surveys), and it is obvious that they are not in the condition they ought to be. The Government—that is to say, Congress and the Executive—have plainly no idea of what is wanted, and no notion of the means by which it is to be carried out, and the work has accordingly fallen into the hands here of a good man, there of a bad one, the amount of appropriations depending very much on his demands, and the direction of his explorations being very much left to himself to determine. What is now wanted is the introduction of order and system under a single head.

The third chapter of the Adams-Wingate history of the Ring brings the tale of that remarkable body down to the publication in the *Times* of the fraudulent accounts, and in the next instalment we shall hope to have the question as to who destroyed the Ring definitely settled. The present instalment carries us back to the time when the Ring had actually got possession of the city, after Hall had given the Public Works to Tweed, the Comptrollership to Connolly, and the Parks to Sweeny. Some of the incidents of that time, when they are now recalled, seem to be fairly incredible. The order issued by Hilton to have the zoölogical models put up in the Park by Professor Hawkins carted away and buried, and to have his moulds and sketch-models destroyed, on the ground that a naturalist ought not to waste his time on "dead animals" when there were so many live ones to be cared for; the report on the Palæontological Museum issued by Sweeny, referring to animals "alleged to be of the pre-Adamite period," and introducing a new system of classification by mentioning one department as being devoted to "carnivora" and another to "the wolves and bears"; the certificate of John Jacob Astor and five other men of substance to the "faithful and correct manner" in which the Comptroller was managing the financial affairs of the city, and their encouraging announcement that owing to this faithful discharge of duty the city debt would be "extinguished in less than twelve years"—in recalling these things, it is difficult to persuade one's self that they are not taken from some burlesque or opéra-bouffe rather than from the real history of an American city.

We have already referred to the article by Mr. Henry Reed on "Some Recent Efforts at Constitutional Reform," besides which the *Review* contains an interesting discussion of Todhunter's 'Conflict of Studies' by Chauncey Wright, and a sensible discussion of the æsthetic works of Pater, Rio, and Burckhardt, by Mrs. Wister. The extreme "gush" of the first of this trio is better brought out by Mrs. Wister than it has been by any one before.



*Fears for Democracy regarded from the American Point of View.* By Charles Ingersoll. "La liberté est un aliment de bon suc mais de forte digestion ; il faut des estomacs bien sains pour le supporter" (J. J. Rousseau). (Philadelphia : J. B. Lippincott & Co. 1875. 8vo, pp. 297.)—We cannot quite make out Mr. Ingersoll's object in writing this book, unless it was to put on record his opinion that the agitation against slavery was unjustifiable, the late war uncalled for, the Reconstruction Acts outrageous, and our present political practices harmful and dangerous. The following sentence contains, if we read it aright, much of the gist of the book, and is moreover a fair specimen of its style :

"Negro slavery, the vile pretence of which the South had been so long the victim—and no giddy-headed prince ever invaded his neighbor's dominions on false pretences than those on which we gave the South no rest—found, and left, after all the agitation of it, in the people of the non-slaveholding States, a feeling as true to the slaveholders as to themselves ; but instantly the cry was war when the affront came at Fort Sumter" (p. 218).

Mr. Ingersoll does not propose any remedy for our present evils ; nor does he anywhere trace out their causes, except by referring them in a vague way to the neglect of democratic principles. What these democratic principles are he does not tell us ; but he ought to know—and, in fact, shows on page 115 that he does know—that there is more than one type of democracy, and that "in French democracy unfortunately the Government does everything." Here is a glimpse of an important truth ; so, too, on page 122, he hits precisely the great defect in our institutions—that "we have a government that answers to itself and not to the people ; a government without responsibility." There are many judicious observations scattered through the book, and in particular there is a carefully prepared account of the manner in which our Executive Department was wrought out in the Constitutional Convention ; but as a whole the book lacks coherence.

"If from the people of the United States were withdrawn, at the same moment, the Federal and State establishments, with all their appliances and means of compulsion, and we were left with no governments at all, ruin would not ensue ; the best portions of society would appear, and the worst, those who are now uppermost, politically, would disappear, exactly as in Europe the worst would appear and the best disappear" (p. 86).

There is no proof offered of this prophecy, but, granting it to be well founded, whose fault is it that at present it is the worst portions of society that are uppermost with us ? Surely, democracy—meaning, as Mr. Ingersoll appears to mean, Jeffersonian democracy, as embodied in the Democratic party—can never expect a fairer field and a better chance than it has had in this country, which it ruled almost without interruption from 1801 to 1861. Where else, then, can the responsibility rest ?

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### BOOKS OF THE WEEK.

Authors.—Titles.	Publishers.—Prices.
Hart (Prof. C. F.), Amazonian Tortoise Myths, swd.	(William Scully)
Haven (Rev. G.), A Winter in Mexico.	(Harper & Bros.)
Ingelow (Jean), Fated to be Free : a Tale.	(Roberts Bros.) \$1.75
In the Klondike.	(Lee & Shepard) 2.50
Littell's Living Age, April-June, 1875.	(Littell & Gay)
Leahy (Sergeant), Art of Swimming in the Eton Style.	(Macmillan & Co.) 1.00
Midge (T.), Afraja : Life and Love in Norway.	(Potter & Coates)
Morgan (H. H.), Representative Names in the History of English Literature.	(Ginn Bros.) 1.00
Old Tramp : a Novel.	(E. J. Hale & Son)
Paul (Mrs. S. T.), Cookery from Experience.	(Potter & Coates)
Purdy (J. H.), Law and Business Chart of the U. S.	(St. Louis)
Rhodes (A.), The French at Home.	(Dodd & Mead)
Ruskin (J.), Fronsdes Agrestes.	(J. Wiley & Son) 1.00
Saratoga : The Visitor's Guide, swd.	(Taintor Bros.)
Sidewick (A.), Scenes from Euripides : Hecuba.	(Livingtons)
Stieler (A.), Hand-Atlas, Part 27, swd.	(L. W. Schmidt)
Schlegel (Prof. C. A.), A First German Book.	(L. W. Schmidt)

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